

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

PIERINA THALIA-NOEL PARIANI

Applicant for Registered Nurse License

Respondent.

Case No. 2012-557

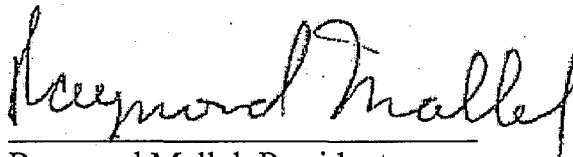
OAH No. 2012040945

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on December 19, 2012.

IT IS SO ORDERED this 19th day of November, 2012.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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PIERINA THALIA-NOEL PARIANI,

Respondent.

Case No. 2012-557

OAH No. 2012040945

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on July 31, 2012, in Oakland, California.

Leslie E. Brast, Deputy Attorney General, represented complainant Louise R. Bailey, Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.¹

Marne S. Sussman, Attorney at Law, Pillsbury Winthrop Shaw Pittman LLP, represented respondent Pierina Thalia-Noel Pariani, who was present at the hearing.

The matter was submitted for decision on July 31, 2012.

FACTUAL FINDINGS

1. On June 9, 2011, respondent Pierina Thalia-Noel Pariani, submitted an application for a registered nursing license to the Board of Registered Nursing (Board). The Board denied the application on September 14, 2011. This appeal followed.

2. On June 21, 2005, respondent was convicted in the Superior Court of California, County of Contra Costa, pursuant to her plea of guilty, of violating Penal Code section 459/460, subdivision (b) (second degree burglary), a misdemeanor. Respondent was sentenced to two years court probation, on terms and conditions which included serving five days in jail.

The facts and circumstances of the offense are that on October 8, 2004,

¹Bailey was Interim Executive Officer when the statement of issues was filed.

respondent drove a friend to a check-cashing establishment and waited in her car while her friend entered the establishment. An employee of the check-cashing establishment called respondent on her cell phone and asked her to verify information regarding a check her friend was attempting to cash. Respondent gave false information over the phone regarding the check.

3. On February 27, 2006, respondent was convicted in the Superior Court of California, County of Marin, pursuant to her plea of guilty, of violating Penal Code section 148, subdivision (a)(1) (resisting a peace officer), a misdemeanor. Respondent was sentenced to three years' probation, on terms and conditions which included serving 20 days in jail through a work program, completing an anger management program, and paying fines and restitution.

The facts and circumstances of the offense are that on July 30, 2005, respondent was intoxicated in the parking lot of a Safeway store. She was yelling for the police. She told the police that her cousins had stolen her car and beaten her. Because of respondent's agitated and intoxicated behavior, she was arrested for public intoxication and placed in the police car. In the police car, respondent became hysterical and started screaming, spitting and kicking. Respondent kicked out the rear passenger window, causing minor injuries to one of the police officers.

4. On November 6, 2007, respondent's burglary conviction was dismissed pursuant to Penal Code section 1203.4. On April 7, 2009, respondent's conviction for resisting a police officer was dismissed pursuant to Penal Code section 1203.4.

5. Respondent regrets her criminal actions. She is embarrassed about her conduct. She has matured and has different values now. As a result of her convictions, respondent made major changes in her life. She resolved to make a better future for herself and her children. She moved to a different community and went to school to study nursing. She no longer associates with the people she was associating with at the time of her crimes.

6. Respondent graduated with honors from a two-year nursing program at the College of Marin in 2011. She has taken four "bridge" classes at Sonoma State University and has been accepted to the university's Bachelor's program. She cannot attend the program at Sonoma State until she is licensed by the Board. Her ultimate goal is a Master's degree in nursing and a career as a nurse practitioner. Respondent is "passionate" about the nursing profession.

7. While studying at the College of Marin, respondent has worked part time in the music library at the college.

8. Respondent has participated in individual and family counseling, attending 40 sessions at the Community Institute of Psychotherapy between June 2007 and August 2009. Respondent attended additional family therapy sessions in

2011 with a different therapist. The focus of the therapy sessions was coping skills, anger management, alcohol use, and parenting skills. For the past few years, respondent has attended a caregiver support group through Project Avary. Respondent uses meditation and breathing techniques to help her manage stress. She has a support system in place to help her with stressful situations.

9. Respondent suffered a difficult childhood. Her mother had bipolar disorder. Her father drank heavily and was physically abusive. He was in and out of prison. Her mother divorced him and remarried. Respondent's stepfather sexually abused respondent and her siblings and also ended up in prison.

10. Respondent acknowledges that she has had a history of alcohol abuse. She started drinking at a young age and used alcohol as a "coping mechanism." Her abuse of alcohol led to her acting angrily and hurtfully towards others. Respondent has focused on alcohol use during counseling sessions. She went to a few Alcoholics Anonymous meetings at different locations in Marin County, but found that it "wasn't a good fit." Respondent stated that she abstained from drinking for three years while she was on probation. She consumed some alcohol when probation ended, but then abstained again for a period of a year and one-half. She now consumes a glass of wine on special occasions only. She does not turn to alcohol to control her feelings. She realizes that if she drinks, she is "rolling the dice," so she chooses to limit her drinking. She believes that she has her alcohol use under control.

11. Prior to her convictions, respondent was employed as a registered dental assistant. As a result of the convictions, the Dental Board of California revoked her license, following a hearing conducted on August 7, 2006. The Dental Board found that respondent had not testified credibly, had not accepted responsibility for her actions, and had not shown adequate evidence of rehabilitation to warrant retaining her license. Respondent had worked in the dental profession for six years and enjoyed her work.

12. Respondent has full custody of her two children, ages 11 and 15. The children attend private schools on scholarships and are doing well. Respondent volunteers regularly at her children's schools. Her younger child's father is in prison in Nevada. Respondent does not receive financial support from her children's fathers.

13. Jeannie Langer, a registered nurse and professor at the College of Marin, testified at the hearing. Respondent was Langer's student for two years. Langer is aware of respondent's convictions and supports her application for licensure. Langer stated that respondent is truthful, compassionate, inquisitive, and able to take constructive criticism.

14. Allison Barahona testified at the hearing. Barahona works as a Family Advocate for Project Avary, a non-profit organization which provides support for families of incarcerated individuals. Barahona has known respondent for about two

years. Respondent's children attend Project Avary programs and respondent attends a support group. Barahona describes respondent as resourceful, honest, dedicated, and forthright.

15. In a letter dated April 1, 2011, Bettye Snowden, Court Probation Officer of the Superior Court of California, County of Contra Costa, writes that respondent successfully completed probation for her burglary conviction. Snowden writes that respondent "appears to be making constructive steps to conduct herself as a productive, law-abiding member of society. It is believed that she would further benefit from a chance to be a contributing member of the medical field."

16. In a letter dated April 24, 2012, Diane E. Ridley, Instructor in the Registered Nursing Program at the College of Marin, writes that she supports respondent's application for licensure. Ridley believes that respondent is hardworking, conscientious, and motivated. Ridley writes that "the mistakes [respondent] made as a young person have served as powerful lessons and have informed and inspired her value of education, hard work, perseverance, and service."

17. In an affidavit dated July 3, 2012, Michael Irvine, music librarian and lab technician at the College of Marin, writes that respondent has worked in the music library for several years. Irvine is aware of respondent's misdemeanor convictions. Irvine writes that respondent has been a conscientious and professional employee. Irvine also writes that respondent is a devoted mother and hard-working nursing student. Irvine has never seen respondent consume alcohol or behave inappropriately.

18. In an affidavit dated June 20, 2012, Joanna Ruddle, nursing instructor at the College of Marin, writes that she is aware of respondent's misdemeanor convictions and supports respondent's application for licensure. Ruddle believes that respondent "possesses the discipline, focus, and ability" to be a successful registered nurse and that if licensed, she would be "an asset to her patients, her community, and the nursing profession."

19. In a letter dated May 26, 2011, Regina R. Thomas, Coordinator of Volunteers at Marin General Hospital, writes that respondent completed 100 hours of volunteer service at the hospital between November 10, 2009, and January 14, 2010. Thomas writes that respondent was responsible, professional, and demonstrated genuine care and compassion for patients.

LEGAL CONCLUSIONS

1. Business and Professions Code sections 480, subdivision (a)(1), and 2736, provide that the Board may deny an application for licensure if the applicant has been convicted of offenses substantially related to the qualifications, functions, and duties of a registered nurse. Respondent's convictions for burglary and resisting a peace officer are substantially related to the qualifications, functions, and duties of a

registered nurse. (Cal. Code Regs., tit. 16, § 1444.) Therefore, cause exists pursuant to Business and Professions Code sections 480, subdivision (a)(1), and 2761, subdivision (f), to deny respondent's application by reason of the matters set forth in Findings 2 and 3.

2. Business and Professions Code sections 480, subdivision (a)(3), and 2736 provide that the Board may deny an application for licensure if the applicant has committed an act which would be grounds for suspension or revocation if committed by a licensee. Conviction of a crime which is substantially related to the qualification, functions, or duties of a registered nurse constitutes grounds for suspension or revocation of a nursing license, pursuant to Business and Professions Code sections 2761 and 2762. Accordingly, cause exists pursuant to Business and Professions Code sections 480, subdivision (a)(3), and 2736, to deny respondent's application by reason of the matters set forth in Findings 2 and 3.

3. Business and Professions Code sections 480, subdivision (a)(3), and 2736 provide that the Board may deny an application for licensure if the applicant has committed an act which would be grounds for suspension or revocation if committed by a licensee. The revocation of respondent's Registered Dental Assistant license constitutes an act which would be grounds for suspension or revocation of a nursing license pursuant to Business and Professions Code section 2761, subdivision (a)(4). Therefore, cause exists to deny respondent's application by reason of the matters set forth in Finding 11.

4. California Code of Regulations, title 16, section 1445, sets forth criteria for evaluating the rehabilitation of an applicant. These factors include the nature and severity of the acts, evidence of subsequent acts which could constitute grounds for denial, time that has elapsed since the acts, extent to which the applicant has complied with terms of parole, probation, restitution or other sanctions, total criminal record, expungement evidence, and rehabilitation evidence. Seven years have passed since the respondent committed the criminal acts underlying her convictions. Respondent complied with the terms and conditions of her probation for the offenses and succeeded in having the convictions expunged pursuant to Penal Code section 1203.4. Respondent has undergone significant rehabilitation efforts since that time. She moved to a new community and formed new relationships. She has undergone therapy and participates in a support group. Respondent furthered her education by receiving a nursing degree at the College of Marin. She has maintained employment while raising her children as a single mother and full-time student. She has also found time to volunteer at her children's schools and at a hospital. Respondent has shown sufficient evidence to warrant granting her application for licensure, on a probationary basis.

At issue is whether terms and conditions addressing alcohol abuse should be imposed on respondent. Respondent's conviction for resisting a police officer involved her use of alcohol. Respondent admits that she used alcohol as a coping

mechanism when she was younger. However, she testified credibly that she has rarely consumed alcohol during the past seven years and does not currently have an alcohol problem. Although respondent did not complete an alcohol rehabilitation program, she has received counseling for her alcohol abuse in therapy sessions. Respondent drinks infrequently and has a support system in place to help her manage stress. The evidence does not suggest that respondent currently abuses alcohol or suffers from alcohol dependency.

The Disciplinary Guidelines provide that in cases involving an alcohol-related conviction, special conditions addressing alcohol abuse will usually be imposed. In this case, the evidence does not establish that respondent abuses alcohol. Under the circumstances, such conditions are not warranted and are not necessary to protect the health, safety and welfare of the public. A condition requiring respondent to participate in therapy or counseling is adequate to ensure that respondent continues in her rehabilitation. This condition, along with the standard terms and conditions of a probationary license, are adequate to protect the public.

ORDER

It is hereby ordered that respondent Pierina Thalia-Noel Pariani's application for licensure as a registered nurse shall be granted and a license shall be issued to respondent upon successful completion of all licensing requirements. Said license shall be immediately revoked, the order of revocation stayed, and respondent shall be placed on probation for three (3) years, on the following terms and conditions:

Severability Clause: Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder

1. Obey all Laws: Respondent shall obey all federal, state and local laws, all statutes and regulations governing the license. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

If respondent is under a criminal court orders, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Comply with the Board's Probation Program: Respondent shall fully

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comply with the conditions of Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license will be fully restored.

3. Report in Person: Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.
4. Residency, Practice, or Licensure Outside of State: Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. Submit Written Reports: Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse: Respondent, during the period of

probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any nondirect patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements: Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision: Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

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Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

9. Employment Limitations: Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of

registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course: Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

11. Violation of Probation: If respondent violates the conditions of her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of respondent's license.

12. License Surrender: During respondent's term of probation, if she ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probations, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following

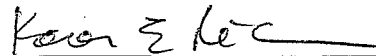
minimum periods from the effective date of the disciplinary decision:

(a) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(b) One year for a license surrendered for a mental or physical illness.

13. Therapy or Counseling Program: Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: 8/27/2012



KAREN REICHMANN
Administrative Law Judge
Office of Administrative Hearings

Exhibit A

Statement of Issues Case No. 2012-557

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 2012-557

11 **PIERINA THALIA-NOEL PARIANI**
12 **1 Oak Crest Court, Apt. A**
13 **Novato, CA 94947**

STATEMENT OF ISSUES

14 Applicant/Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Statement of Issues solely in
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about June 9, 2011, the Board received an application for a Registered Nursing
22 License from Pierina Thalia-Noel Pariani (Respondent). On or about June 2, 2011, Respondent
23 certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on September 14, 2011.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

4. Code section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that code.

5. Code section 480 states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

• • •

“(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. . .”

6. Code section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

1
2 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
3 functions, and duties of a registered nurse, in which event the record of the conviction shall be
4 conclusive evidence thereof. . .”

5 7. Code section 2762 states:

6 “In addition to other acts constituting unprofessional conduct within the meaning of this
7 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
8 chapter to do any of the following:

9
10 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
11 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
12 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
13 himself or herself, any other person, or the public or to the extent that such use impairs his or her
14 ability to conduct with safety to the public the practice authorized by his or her license.

15 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
16 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
17 or the possession of, or falsification of a record pertaining to, the substances described in
18 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
19 thereof. . .”

20 8. California Code of Regulations, title 16, section 1444, states in pertinent part:

21 “A conviction or act shall be considered to be substantially related to the qualifications,
22 functions or duties of a registered nurse if to a substantial degree it evidences the present or
23 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
24 safety, or welfare. . .”

25 ///

26 ///

27 ///

28 ///

1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Substantially Related Crime)

3 9. Respondent's application is subject to denial pursuant to Code sections 2736 and
4 480(a)(1) for conviction of a crime or crimes substantially related to the qualifications, functions,
5 or duties of a registered nurse, as follows:

- 6 a. On or about June 21, 2005, in Contra Costa County Superior Court, Case Number
7 286293-6, Respondent was convicted of having violated Penal Code sections
8 459/460(b) (commercial burglary). Respondent's conviction arose as a result of her
9 involvement in a fraudulent check-cashing scheme on or about October 8, 2004.
- 10 b. On or about February 27, 2006, in Marin County Superior Court, Case Number
11 CR143071A, Respondent was convicted of having violated Penal Code section 148(a)
12 (resist, delay or obstruct a police officer). Respondent's conviction arose from her
13 arrest on or about July 30, 2005, after police responded to a commotion outside a
14 Safeway store in San Rafael, California. Respondent was crying and inebriated,
15 claiming that someone had stolen her car. She became combative with police and
16 kicked out the rear window of a patrol car after a police officer had placed her in the
17 backseat, shattering the window and causing broken glass to fly into the face of one of
18 the arresting officers.

19 SECOND CAUSE FOR DENIAL OF APPLICATION

20 (Act that if Done by Licensee Would be Grounds for Discipline)

21 10. Respondent's application is subject to denial pursuant to Code sections 2736 and
22 480(a)(3)(A) in that, if she was licensed as a registered nurse, Respondent's act or acts, as set
23 forth in paragraph 8, would be grounds for license suspension or revocation as unprofessional
24 conduct pursuant to Code sections 2761(a), 2761(f), 2762(b), and/or 2762(c).

25 THIRD CAUSE FOR DENIAL OF APPLICATION

26 (Discipline by Another Licensing Agency)

27 11. Respondent's application is subject to denial pursuant to Code section 2761(a)(4) in
28 that, on or about November 23, 2006, Respondent's Registered Dental Assistant License No.

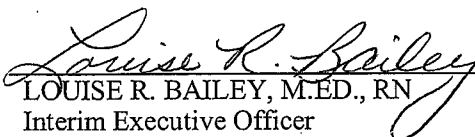
1 56452 was revoked by the Dental Board of California in Case No. 2005-70 as a result of the
2 criminal convictions listed in paragraph 8 above.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Denying the application of Respondent Pierina Thalia-Noel Pariani for a Registered
7 Nursing License;
8 2. Taking such other and further action as deemed necessary and proper.

9 DATED: March 20, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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